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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,193	01/10/2000	Shi-Jun Yang	IR 3556	4031

7590 09/25/2003

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EXAMINER

UHLIR, NIKOLAS J

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/480,193

Applicant(s)

YANG ET AL.

Examiner

Nikolas J. Uhler

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 8-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 1773

### **DETAILED ACTION**

1. This office action is in response to the amendment/arguments dated 7/25/03. The applicant's amendments to claims 1, 12, 16, and 17 have corrected various informalities cited in the prior office action. Accordingly, the objections to these claims are hereby withdrawn. The applicant's amendments and argument have been considered with respect to the prior applied 35 U.S.C. 103(a) rejections but are not persuasive. Accordingly, these rejections are hereby maintained.

#### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-6, and 8-14, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hennig et al. (US4876311).

3. This rejection is maintained as set forth in paper #14.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hennig et al. (US4876311) as stated above for claim 1, further evidenced by Minghetti (US6077575).

5. This rejection is maintained as set forth in paper #14.

#### ***Response to Arguments***

6. Applicant's arguments filed 7/25/03 have been fully considered but they are not persuasive. In the instant case, the applicant argued on the record that they have carefully reviewed the references cited and again assert that these references do not teach the claimed invention. In particular, the applicant "expects" that a composition

Art Unit: 1773

comprised of 70% PMMA, 30% cross-linked particles (59% MMA, 40% styrene and 1% crosslinking agent) "would" result in a product which the light transmission would be substantially below the minimum requirement of 78.9% required by the instant invention. Further, the applicant opines that utilizing 30% particles in the invention of Hennig would result in a product that is not only too opaque for the purpose in Hennig, but would also be unsuitable for the frosted look of this invention.

7. This argument is unpersuasive. The applicants contention that a mixture of 70% PMMA and 30% crosslinked particles (59% MMA, 40% styrene and 1% crosslinking agent) "would" result in a product which the light transmission would be substantially below the minimum requirement of 78.9% required by the instant invention is wholly unsupported by data and thus is a mere assertion that the cited prior art does not meet the requirements of the instant claims. The examiner does not consider a mere assertion that the properties of the instant invention are not met by the cited prior art to be persuasive when the cited prior art utilizes a substantially similar binder containing substantially the same amount and same type of crosslinked particles as that of the instant invention.

8. Further, the applicants assertion that using a particle loading of 30% would render the product unsuitable for the purpose of Hennig. The examiner respectfully disagrees, as this assertion is wholly unsupported by data, and Hennig explicitly **claims** that 1-30% particles can suitably be utilized (claim 1 of Hennig). Thus, this argument is unpersuasive.

Art Unit: 1773

9. As the applicants response is devoid of a conclusive **showing** that the cited prior art does not necessarily meet the applicants claim limitations, the above cited rejection is maintained.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikolas J. Uhlir whose telephone number is 703-305-0179. The examiner can normally be reached on Mon-Fri 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on 703-308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 1773

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-0389.

  
nju

  
Paul Thibodeau  
Supervisory Patent Examiner  
Technology Center 1700